

IN THE UNITED STATE DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

<p>BRUHN FARMS JOINT VENTURE, Plaintiff, -vs- FIREMAN'S FUND INSURANCE COMPANY, Defendant.</p>	<p>No. <u>13-cv-4106</u> <b>PLAINTIFF'S MOTION TO TAKE ADDITIONAL DEPOSITIONS</b></p>
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Comes now the plaintiff and in support of this Motion to Take Additional Depositions states as follows:

1. In August 2016, Plaintiff requested leave to take additional depositions and this Court ruled that Plaintiff would be allowed to take the number of depositions allowed by the Rules of Discovery, being 10 depositions, without leave of court, but ruled that any additional depositions could not be taken without the consent of the parties or by order of the court.

2. That this Court held a hearing this month on Plaintiff's Motion for Sanctions regarding the "field notes". In entering said Order concerning the Motion for Sanctions, the Court noted that all field notes that had been produced were all that were ever made. In the deposition of Mr. Sornson it was admitted that the adjusters did not physically examine all of the soybean fields claiming that no test strips were left and adjustment cannot be done without leaving test strips in the fields not examined.

3. Last week Plaintiff's counsel took the deposition of two experts of Defendant. One was Greg Meek. Mr. Meek claimed that the reason the adjusters did not examine all of the fields were because Plaintiff informed the adjusters not to do so because of no alleged hail loss to the fields. He also reiterated the purported lack of test strips in the fields not examined.

4. That in the previously filed Motion for Sanctions, Plaintiff attached the Affidavit of Ryan Gotto who stated that the adjusters never examined the fields and Plaintiff alleges that field strips were left in all fields.

5. That Plaintiff has been able to take two of the six adjusters who were assigned to adjust the fields. Plaintiff has not deposed the four remaining adjusters to find out what their testimony would be regarding this critical issue which Plaintiff believes essential to the entire case. The four adjusters who remain to be deposed are: Jim Baldwin, Craig Woodford, Curt Thompson and Curt Winquist.

6. That following the deposition Mr. Meek, Plaintiff's counsel had discussions with Mr. Dilley regarding each side being allowed to take depositions of employee witnesses who were going to be called by either side in order to know what the testimony would be and not catch each other by surprise at trial. To date Mr. Dilley has not given his response one way or another and Plaintiff is being forced to file this Motion due to the impending close of discovery on January 31, 2017.

7. This Motion is being filed in good faith and in order that Plaintiff and indeed Defendant if it so desires can be fully informed of what purported testimony might be presented at trial by the various witnesses especially with respect to the critical issue regarding the field notes referenced in this Motion.

8. That Plaintiff requests leave of court for permission to depose said the said remaining adjusters (Jim Baldwin, Craig Woodford, Curt Thompson and Curt Winquist) specifically and any other Defendant employee which Defendant intends to call as a witness at trial. Plaintiff willingly grants Defendant the same right.

WHEREFORE, Plaintiff moves the Court for an order consistent with this Motion and granting authorization for Plaintiff to depose the said remaining four adjusters as well as any potential other witnesses to be called at trial herein.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 29, 2016, a true and correct copy of the foregoing was served via email upon the following counsel of record:

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ATTORNEYS FOR DEFENDANT

/s/ Kelly L. Brandt Beattie